

Panaji, 20th May, 2004 (Vaisakha 30, 1926)

SERIES I. NO. 8

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA



Note:- There is one Extraordinary issue to the Official Gazette Series I No. 7 dated 13-5-2004 namely, Extraordinary dated 19-5-2004 from pages 211 to 212 regarding Corrigendum from Department of Industries.

### GOVERNMENT OF GOA

#### Department of Information Technology

##### Order

1(34)/DOIT/Staff/2001/104

Sanction of the Government is hereby accorded, for the creation of two posts of Drivers in the Department of Information Technology, Panaji, Goa, in the pay scale of Rs. 3050-75-3950-80-4590 plus allowances, to be filled up through compassionate appointment or PETS.

The expenditure on this account will be debited to the Budget Head Demand No. 82—Major Head, 2852—Industries, 07—Telecommunication & Electronic Industries, 001—Direction & Administration, 01—Direction (Plan), 01—Salaries.

This issues with the approval of ARD vide No. 2/138/2004—ARD dated 16-3-2004, F.D's Concurrence vide their U.O. No. Fin (Rev & Cont)/Dept/1007F dated 14-4-2004 and Government approval vide No. CM/4200 dated 17-2-2004.

By order and in the name of the Governor of Goa.

P. R. Chandekar, Director (IT) & ex officio. Jt. Secretary.

Panaji, 22nd April, 2004.

#### Department of Labour

#### Inspectorate of Factories & Boilers

##### Notification

VI/FAC-6/L-1 Part)/IFB-2004/1346

Whereas certain draft rules to amend the Goa, Daman and Diu Factories Rules, 1985, were pre-published as required by section 115 of the Factories Act, 1948 (Central Act No. 63 of 1948), in the Official Gazette, Series I, No. 25 dated 18-9-2003 under Notification No. VI/FAC-6/(L-1 Part)/IFB-2003/9040 dated 4-9-2003 of the Inspectorate of Factories & Boilers, inviting objections and suggestions from all the persons likely to be affected thereby within three months from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 18-9-2003;

And Whereas no objections and/or suggestions have been received from the public on the said draft Notification by the Government within the stipulated period.

Now, therefore, in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Factories Rules, 1985, namely:—

1. **Short title and commencement.**— (1) These Rules may be called the Goa Factories (Tenth Amendment) Rules, 2004".

(2) They shall come into force at once.

**2. Amendment of rule 1.**— In rule 1 of the Goa, Daman and Diu Factories Rules, 1985 (hereinafter referred to as the Principal Rules),—

(i) in sub-rule (1), the figure and words "Daman and Diu" shall be omitted;

(ii) in sub-rule (2), for the expression "Union Territory of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

**3. Amendment of rule 2.**— In rule 2 of the Principal Rules, in clause (i), the figure and words "Daman and Diu" shall be omitted.

**4. Amendment of rule 69.**— For rule 69 of the principal Rules, the following shall be substituted, namely:—

**"69. Excessive weights.— (1) Definitions.—**

For the purpose of this rule, unless there is anything repugnant in the subject or context,—

(a) "manual transport of loads" means any transport in which the weight of the load is wholly borne by one worker, and, it covers the lifting and putting down of loads;

(b) "regular manual transport of loads" means any activity which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads;

(2) No person, unaided by another person, or mechanical aid, be required or allowed to lift, put down, carry or move by hand or on head any load of material, article, tool, appliance exceeding the maximum limit in weight as set out in the following Schedule:—

**SCHE**

Persons	Maximum weight of material, article, tool or appliance
(a) Adult (male) ...	55 Kilograms
(b) Adult (female) ...	30 Kilograms
(c) Adolescent (male) ...	30 Kilograms
(d) Adolescent (female) ...	20 Kilograms
(e) Child (male) ...	16 Kilograms
(f) Child (female) ...	14 Kilograms

(3) No woman or young person (adolescent or child) shall engage, in conjunction with others, in lifting, carrying or moving by hand or on head any material, article, tool or appliance, if the weight thereof exceeds the weight fixed by the Schedule to sub-rule (2) for any of the persons engaged, multiplied by the number of the persons engaged.

(4) Taking into account all conditions in which the work is to be performed, no worker shall be required or permitted to engage in the manual transport of load, which by reason of its weight, is likely to jeopardize his health or safety.

(5) Wherever reasonably practicable, suitable technical devices shall be used for the manual transport of loads.

(6) Notwithstanding the fact that workers are engaged in the regular manual transport of loads within the permissible limits as set out in sub-rule (2), they should be subjected to medical examination prior to regular assignment and periodical examination at an interval of 12 months if the assignment of such jobs, exceeds more than 12 months".

**5. Amendment of rule 131.**— In rule 131 of the Principal Rules,—

(i) after item XXVII, the following item shall be inserted, namely:—

" XXVIII Fire works manufactures and match factories. ";

(ii) after Schedule XXVII, the following Schedule shall be inserted, namely:—

**"SCHEDULE XXVIII**

Fire works manufactures and match factories

**1. Application.**— The provisions of this Schedule shall apply to all manufactures and processes incidental thereto carried on in any fire works manufactory or a match factory and shall be in addition to and not in derogation of any provisions of the Factories Act, 1948 (Central Act No. 63 of 1948) and the Goa Factories Rules, 1985, or of any other Act or Rules that are applicable to fire works manufactures and match factories.

**2. Definitions.**— For the purpose of this Schedule, unless there is anything repugnant in the subject or context,—

(a) "fire works manufactory" means any factory or such parts of any factory wherein the following chemicals or combination of chemicals and materials are being used for the manufacture of crackers, sparklers, caps, fuses, blasting powder and fire works:

- (1) Saltpetre;
- (2) Pyrotechnic Aluminium Powder;
- (3) Barium Nitrate;
- (4) Charcoal;
- (5) Potassium Chloride;
- (6) Red Phosphorus;
- (7) Gum;
- (8) Dextrin;
- (9) Strontium Nitrate;
- (10) Magnesium Powder;
- (11) Copper Coated Wires;
- (12) Steel Filings or Iron Filings;
- (13) G. I. Wire;
- (14) Gun Powder (Black Powder);

(b) "Match factory" means any establishment which manufactures safety matches or colour matches by the use of chemicals, mentioned in clause (a);

(c) "breathing apparatus" means a device covering mouth or nose with necessary connections by means of which a person using it in a poisonous, asphyxiating or irritant atmosphere breathes ordinary air or any other suitable apparatus approved in writing by the Chief Inspector in this behalf.

3. *Building.*— (a) The height of building of any fire works manufactory or match factory shall not be less than 3 metres;

(b) No building inside a fire works manufactory shall have a first floor at any time;

(c) In match factory provided with a first floor, there shall be 2 staircases leading from the first floor to the ground floor irrespective of the number of persons employed on the first floor and one of the staircases shall be of masonry construction of non-flammable materials;

(d) All doors of workrooms shall open outwards and all the doorways shall be kept free from obstructions;

(e) All doors of workrooms shall not be less than 1.2 metres in width or less than 2 metres in height;

(f) The floors of all workrooms including mixing sheds shall be completely covered by a rubber sheet having a smooth surface and having a thickness of at least 3 m.m. If the floor cannot be covered by a single rubber sheet, more than one rubber sheet may be used so that each sheet is overlapped by the other at least 150 m.m; and

(g) mixing sheds shall be 30.5 metres away from all other sheds and be separated by baffle walls opposite each exit of the mixing shed.

4. *House Keeping.*— (a) Every part of ways, works, machinery and plant shall be maintained in a clean and tidy condition.

(b) Any spillage of materials shall be cleaned without delay, and

(c) Close platforms, passages and gangways shall be kept free of temporary obstructions.

5. *Electrical Equipment.*— (a) If, at any time, use of electricity is allowed in the match factory, all leads shall be in conduits with flameproof junctions;

(b) Electrical supply shall never be through a lamp even with a non-conducting handle.

6. *Protective Measures.*— (a) Under no circumstances clothes made of artificial fibre like terelene, etc., be allowed inside the factory;

(b) All workers shall be supplied with asbestos aprons especially to cover the chest, gonads and thighs;

(c) Breathing apparatus shall be used in mixing sheds to avoid workers inhaling poisonous fumes in the event of an untoward reaction;

(d) In mixing sheds where aluminium and magnesium powders are used, "anti-stat" foot-wear to combat static electricity shall be supplied; and

(e) All protective equipments shall be maintained in an efficient condition and shall also be maintained in a clean and hygienic condition.

7. *Match Factories.*— In match factories—

(a) the residue of the head composition shall not in any way be mixed with the residue of the friction composition;

(b) the rooms comprising the two mixing departments namely, (a) head composition and (b) friction composition, shall be entirely separated from each other and the drains from these two departments shall be kept entirely separate;

(c) waste products containing the residues of the head composition and friction composition shall be kept and burnt separately;

(d) department in which completed matches (matches with head on) are stored shall be separated from all other departments by means of fire-proof walls and doors providing adequate means of escape in case of fire;

(e) splints, veneers and other materials in excess of the quantity required for the day's manufacture shall be kept in separate rooms of the factory, where no manufacturing process is carried on. No manufactured material shall be stored anywhere in the factory compound for more than five days after the manufacture, except in the storage godowns;

Provided that nothing contained in this clause shall apply to splints and veneers in cases stored in peeling and box making departments;

(f) store room for matches shall be entirely separated by fire-proof walls from the buildings used for manufacture;

(g) the racks in the dipped splints room shall have sides stop and the rear part provided with non-inflammable materials;

(h) the process of packing shall be done in an area away from the place of manufacture to the satisfaction of the Inspector; and

(i) no child shall be employed or permitted to work directly connected with the manufacturing process upto final production of matchsticks.

**8. Precaution to be taken in connection with manufacture of fuses used in crackers, etc.—** (a) Bundles of fuses shall be handled by carrying and not dragging them on the floor.

(b) Drying off fuses after wrapping shall be carried out on platforms away from workrooms.

(c) Cutting shall be done by experienced workers employed only for this purpose and under proper supervision.

(d) Cutting shall be done on a large masonry platform covered with a tarpaulin and kept free from grit and pebbles.

(e) Cutting shall be done on a raised platform so that workers can work standing. Cutting must be done by placing the fuse on wooden sleepers, kept over blocks of wood, and brick shall not be used beneath the wooden sleepers; and

(f) Workers, while on dangerous operations, shall not wear clothing sewn with ferrous or steel buttons, buckles or attachments. They shall not carry on their person, iron knives, keys, etc.

**9. Employment of women and children.—** Women workers and young persons shall not be employed on operation where chemicals are mixed and where fuses are cut. Children shall not be employed or permitted to work in the manufacturing process or any work or operation or process connected therewith or incidental thereto in fireworks manufactory.

**10. General.—** (a) No person, other than a factory worker and/or an inspecting officer or others connected with the manufacturing process, shall be allowed to enter the working area.

(b) Cardboard containers and trays without steel nails shall be used for storage and day-to-day working purposes.

(c) During the manufacture of fuses, only brass or non-ferrous knives shall be used and drying of fuses shall be away from all workrooms.

(d) Door mats shall be provided outside the workroom, near all drying platforms and where fuses are cut, for the workers to clean their feet.

(e) At no time, mixing materials shall exceed the quantity that is required for the manufacture of mixing for half an hour operation only.

(f) For filling up chemicals in the inner tubs of crackers, only aluminium or plastic rings shall be used and not galvanized iron rings.

(g) Buckets, containers, hoops, locks, nails, screws, bolts, nuts, knives, scissors, etc. made up of iron shall not be used within the factory premises.

(h) Wooden racks without iron nails shall be used for drying paper cap sheets, in a match process factory.

(i) Wooden racks used for drying paper cap sheets shall be provided with asbestos or other fire resistant sheets on the three sides leaving the front side open.

(j) Dried paper cap sheets shall be carried in wooden trays with four compartments (partitions), each compartment (partition) carrying a single sheet.

(k) Each manufacturing shed of a fire works shall have at least two doors facing each other. The doors provided to the work sheds of adjacent rows shall not face each other, and

(l) Not more than four persons shall be employed or allowed at any one time in any one building in which explosive is being manufactured.

11. *Display of notices.*— The following notices in the local language understood by the majority of workers shall be displayed at a conspicuous place in the factory:—

(a) "Smoking is strictly prohibited"

(b) "No one shall carry matches or other igniting materials into the factory."

(c) "No worker shall be in a workroom or area where no work has been assigned to him."

(d) "If anything untoward happens in any shed, all workers shall dash to the gates, which serve as out gates of the factory and in no circumstances be curious to see what has happened in the affected shed;"

(e) "Any spillage of materials should be cleaned without any delay;"

(f) "Wearing of clothes made of artificial fibre like terrene, terelene, etc., is prohibited. Clothing's sewn with ferrous or steel buttons or buckles or attachments should not be worn;"

(g) "Foot wears with iron nails should not be used; and

(h) "Workers should not carry with themselves iron knives and iron keys, etc."

12. *First-aid boxes.*— (a) The materials required under rule 93 shall be kept in the First Aid Box

or cupboard. In addition, four stretchers shall be available for every twenty persons employed in the premises.

(b) Adequate amount of burn dressings and 24 ounces of coconut oil to be used, as the first remedy for burns shall be kept in the First Aid Box or cupboard; and

(c) persons who are in charge of First Aid Box or cupboards shall be those who possess the certificate granted by the St. John's Ambulance Association for rendering first aid.

13. *Exemption.*— If the Chief Inspector is satisfied in respect of any factory or any process that, owing to the special conditions or special methods of work or by reason of the frequency of the process or for other reason, the application of all or any of the provisions of the Schedule to the factory or process, or to the persons employed in such factory or process is not necessary, he may, by order in writing, exempt such factory or part of the factory or process or any part of the factory or any person from all or any of these provisions subject to such conditions as he may deem expedient to ensure safety and health of the workers.

The Chief Inspector may, at any time, in his discretion, revoke such order without assigning any reasons".

6. *Amendment of form.*— In Form No. 33 appended to the Principal Rules, in the title, the figure and words "Daman and Diu" shall be omitted.

By order and in the name of the Governor of Goa.

S. S. Prabhudesai, Chief Inspector of Factories & Boilers and ex officio Jt. Secretary.

Panaji, 5th May, 2004.

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Department of Law and Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Constitution (Ninetieth Amendment) Act, 2003, which has been passed by the Parliament and assented to by the President of India on 28-9-2003 and published in the Gazette of India,

Extraordinary, Part II, Section 1, dated 30-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

## THE CONSTITUTION (NINETIETH AMENDMENT) ACT, 2003

AN

ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Constitution (Ninetieth Amendment) Act, 2003.

2. *Amendment of article 332.*— In article 332 of the Constitution, in clause (6), the following proviso shall be inserted, namely:—

"Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of the Bodoland Territorial Areas District, shall be maintained."